

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS J. BLAKE,

Plaintiff,

v.

J. PERTTU, et al.

Defendant.

ORDER

21-cv-197-jdp
App. No. 22-03226

Plaintiff Thomas J. Blake has filed a notice of appeal from the court's December 5, 2022 order. To date, however, plaintiff has not paid the appellate docketing fee. Although plaintiff has filed a motion for leave to proceed without payment of the appellate filing fee, plaintiff neglected to include a certified trust fund account statement (or institutional equivalent) as required by the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). Accordingly, the court cannot consider plaintiff's motion at this time.

Plaintiff also requests to use release account funds to pay the entire fee for filing this appeal. (Dkt. #54). However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use the release account funds to pay the entire balance of the \$505.00 appellate docketing fee, and so plaintiff's motion will be denied.

ORDER

IT IS ORDERED that,

1. Plaintiff Thomas J. Blake's request for use of release account funds to pay the entire appellate docketing fee (Dkt. #54) is DENIED.

2. Plaintiff may have until March 16, 2023 to either (1) pay the \$505 appellate docketing fee; or (2) submit a certified trust fund account statement for the six-month period preceding the filing of the appeal in compliance with 28 U.S.C. § 1915(a)(2). Failure to comply as directed may result in the dismissal of this appeal.

Entered this 22nd day of February, 2023.

BY THE COURT:

/s/
STEPHEN L. CROCKER
Magistrate Judge